

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 21

July 11, 2006

SUBJECT: POSITIVE IDENTIFICATION VIA LIVESCAN PRIOR TO RELEASE OF ARRESTEES

PURPOSE: The purpose of this directive is to establish procedures for processing bail, bond and own recognizance (OR) releases from Jail Division. This specifically relates to the return of positive identification messages from the Criminal Identification Section, Records and Identification Division (R&I) via the Identix Touchprint Machine (Livescan system).

Since the implementation of the Livescan system, it is possible to positively identify an arrestee based on the electronic transmission of his/her fingerprints, generally within two hours. Since the Department has an obligation to make these positive identifications prior to releasing a person from custody, additional procedures are required to provide guidance to Department personnel regarding processing bail, bond and OR releases when the positive identification message has not been received.

It is Jail Division's responsibility to release booked arrestees from custody based on an OR determination or upon whom cash bail or bond has been posted. This should be done in the most expeditious manner possible, while maintaining the Department's obligation to positively identify those persons before their release is made.

PROCEDURE:

I. JAIL DIVISION'S RESPONSIBILITIES. Persons arrested and booked at Jail Division shall be fingerprinted on the Livescan system and the fingerprints obtained shall be electronically transmitted as soon as possible. Under most circumstances, releases from custody shall not occur until the positive identification message has been received from R&I, subject to the following guidelines related to bail, bond and OR releases:

- * If a positive identification message has not been received within two (2) hours of the Livescan fingerprints having been transmitted, R&I's watch commander shall be contacted to determine the status of the return message. The arrestee should generally not be released at this time.

- * If the positive identification message has still not been received after four (4) hours of the Livescan fingerprints having been transmitted, R&I shall again be contacted to determine the status of the message. The Jail Division watch supervisor shall also advise the Jail Division watch commander of the situation and shall assess the probability of the positive identification message being received in the immediate future.

Note: Based on information provided by R&I, the seriousness of the crime, the quality of the arrestee's identification papers, whether or not the arrestee lives locally and/or is known to the Area personnel, etc., the Jail Division watch supervisor, with concurrence of the Jail Division Watch Commander, shall determine whether or not the arrestee shall be released immediately, or held pending receipt of a positive identification message. In either case, the Jail Division watch supervisor's decision shall be detailed in the Jail Division watch commander's daily log.

- * If the Livescan system or R&I returns an "error" message indicating that the fingerprints are unreadable, etc., new fingerprints shall be taken and transmitted rather than re-transmitting the existing fingerprints already in the Livescan system's memory.
- * In those cases where a positive identification message has not been received from R&I and a bail agent is at the division presenting a bond or bail, the bond or bail should be received and held by the detention officer pending the identification message. It is not necessary for the bail agent to remain at the division to await arrival of the message. If a positive identification message is later received that identifies the arrestee as someone other than originally believed, the bail agent shall be called to retrieve the bond or bail, which will then be null and void.

Note: When a bail or bond has been posted, the positive identification message has not been received and it has been four (4) hours since the fingerprints were transmitted to R&I, Jail Division watch supervisors, with concurrence of the Jail

Division watch commander, must use their best judgement as to whether the arrestee should be released or held, based on all known facts. The watch supervisor, prior to release, shall ensure that the R&I watch commander was notified and investigated the absence of a response. The Jail Division watch supervisor's determination shall be judged on the reasonableness of the decision given the information known at that time.

II. MANUAL SECTIONS 4/625.20 AND 4/625.25 - FINGERPRINTING AND PALM PRINTING PROCESS.

- A.** Manual Section 4/625.20 shall be revised as indicated:

Delete the following:

After obtaining the prisoner's fingerprints and signature on the required cards, the fingerprinting employee shall affix his/her signature, serial number, and date. The approving supervisor shall sign his/her last name and serial in the lower left corner on the back of the card, under the form number. All other necessary information shall be added by Records and Identification Division.

Delete the following:

When notified that a detention officer has been unable to Livescan an arrestee within a maximum of sixty minutes, the Area watch commander shall record on the Watch Commanders Daily Report, Form 15.80, the reason for not being able to Livescan the arrestee.

- B.** Manual Section 4/625.25 shall be revised as indicated:

The Palm Print, Form 5.6.1, shall be completed when all suspects are booked.

AMENDMENTS: This Order amends Sections 4/625.20, 4/625.25, 4/635.20, 4/675.20, 4/680.14, 4/680.20 and 4/681.10 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Jail Division, shall monitor compliance with this Directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"